

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated September 17, 2007 (hereinafter Office Action) have been considered. Claims 1-5 and 8-33 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claims 1-23, 26 and 29-33 are rejected based on 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2004/0201448 by Wang (hereinafter "*Wang*"). The Applicants respectfully traverse the rejection.

With regards to Claim 1, the Applicants previously contended that regarding the transmitting recitation, association request data that includes a unique ID is transmitted from the wireless node. The wireless node therefore sends an identifier, that uniquely identifies itself, to the controller. The Applicants disagreed that *Wang* teaches any identifiers that are respectively unique to the components B, R, S that are provided as set forth in this claim recitation. *Wang* indicates only that a component can transmit a request for initialization, and *Wang* is silent as to transmitting any identifier that uniquely corresponds to the transmitting wireless node. The Applicants also contended that *Wang* failed to teach sending the association ID data assigned to the wireless node by the controller using the unique ID that was received by the wireless node to identify the wireless node as the intended recipient of the association ID data. *Wang* does not teach sending such a unique ID, it does not teach using such an ID to identify the intended wireless node, and nothing in *Wang* teaches that its control master receives any such unique identifier that is later used by that control master in identifying the targeted wireless node. Claim 1 also involves the wireless node storing the received association ID data as a function of the unique ID, but again *Wang* does not teach that the components B, R, S store anything as a function of an identifier originating from that respective component.

In response the Examiner notes, in the response to arguments (page 2 of Office action) that *Wang* discusses that the lighting units transmit pre-assigned identification ID numbers to the remote control. This relates to what is set forth in paragraphs [0007-0009] of the Background of *Wang*. In those sections, *Wang* describes a prior art system. The *Wang* system, which is different from what *Wang* describes to be prior art, does not describe

the use of any such identifiers in this fashion. *Wang* describes different systems, and does not contemplate in some way combining these features. To anticipate a claim, the identical invention must be shown in as complete detail as is contained in the patent claim; *i.e.* every element of the claimed invention must be literally present, **arranged as in the claim**. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). It is respectfully submitted that *Wang* clearly does not teach the identical invention, arranged as in Claim 1, and thus does not anticipate Claim 1.

Nevertheless, in order to facilitate prosecution of the application, Claim 1 has been amended. As set forth in Applicants' application, there may be reasons for controlling HVAC or other equipment where there are multiple wireless nodes and multiple controllers serving more than one network of wireless nodes. For example, HVAC equipment can be controlled to limit the peak demand on the power and fuel generating capacity of utility companies. This can involve neighborhoods or other collections of wireless nodes served by various controllers on different networks. It is important to be able to distinguish between these wireless nodes, networks and controllers.

Claim 1 has been amended to address such embodiments whereby the association request data is received at the controller, and the controller assigns association ID data that includes an identifier identifying the controller itself relative to other controllers, an identifier identifying the network relative to other networks, and an assigned ID unique to the wireless node itself. This information is stored such that the wireless node is associated with the controller identified by the controller ID (*e.g.* master ID) and operating in the network identified by the network ID. *Wang* does not describe, or contemplate such identifications that enable multiple controllers and/or networks to operate with wireless nodes in this fashion. For at least this reason, *Wang* does not anticipate Claim 1.

Independent Claim 17 has also been amended to facilitate prosecution of the application. Claim 17 also involves the controller assigning association ID data, which includes a master ID exclusively identifying the controller relative to any other controller within communication range of the wireless node, and a network ID corresponding to a network served by the controller and of which the wireless node is operating, and a slave ID exclusively assigned to the wireless node relative to any other wireless nodes in the

network. At least the slave ID is used at the wireless node to identify incoming wireless messages from the controller as messages intended for the wireless node, and controller identified by the master ID identifies incoming wireless messages sent from the wireless node on a network identified by the network ID. This is also not described or contemplated by *Wang*, and thus Claim 17 is not anticipated by *Wang*.

Independent Claim 23, relative to the other independent claims, specifically makes reference to wireless thermostats and their operation in an HVAC environment. Claim 23 has also been amended to indicate that these wireless thermostats are configured to control the HVAC equipment. It is respectfully submitted that *Wang* does not teach, or suggest, any control of HVAC equipment or wireless thermostats. It is respectfully submitted that for at least these reasons *Wang* cannot anticipate Claim 23, and withdrawal of the rejection is respectfully solicited.

Independent Claims 29 and 30 have also been amended to facilitate prosecution of the application. Each of these independent claims has been amended to indicate that the association ID data is assigned to include a master ID exclusively identifying the controller relative to any other controller within communication range of the wireless node, a network ID corresponding to a network served by the controller and of which the wireless node is operating, and a slave ID exclusively assigned to the wireless node relative to any other wireless nodes in the network. As previously indicated, *Wang* fails to teach, or suggest, at least these claimed features. Withdrawal of the rejection to these claims is respectfully requested.

Dependent Claims 2-5 and 8-16 are dependent from independent Claim 1, dependent Claims 18-22 are dependent from independent Claim 17, dependent Claim 26 is dependent from independent Claim 23, and dependent Claims 31-33 are dependent from independent Claim 30. Each of these dependent claims also stands rejected under 35 U.S.C. §102(e) as being unpatentable over *Wang*. While Applicants do not acquiesce with the particular rejections to these dependent claims, including any assertions concerning inherency, these rejections are moot in view of the amendments and remarks made in connection with independent Claims 1, 17, 23 and 30. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional

features which further distinguish these claims from the cited references. Therefore, dependent Claims 2-5, 8-16, 18-22, 26 and 31-33 are also in condition for allowance.

Claims 24 and 25 are rejected based on 35 U.S.C. §103(a) as being unpatentable over *Wang* and further in view of U.S. Patent No. 6,349,883 to Simmons et al. (hereinafter “*Simmons*”). The Applicants respectfully traverse the rejection. As previously indicated, the Applicants do not acquiesce that *Wang* teaches the limitations recited in Claim 23. Further, to facilitate prosecution of the application, Claims 24 and 25 have been amended to include embodiments relating to generating the gateway-owned association ID to include a master ID exclusively identifying the gateway relative to any other gateway within communication range of the wireless thermostat, a network ID corresponding to a network served by the gateway and of which the wireless thermostat is operating, and a slave ID exclusively assigned to the wireless thermostat relative to any other wireless thermostats in the network. A combination of *Wang* and *Simmons* fails to teach, or suggest, at least these claimed features. As the prior art references must collectively teach or suggest all of the claim limitations (M.P.E.P § 2143), and because the *Wang/Simmons* combination fails to teach or suggest at least these claimed features of amended Claims 24 and 25, *prima facie* obviousness is not established.

Claims 27 and 28 are rejected based on 35 U.S.C. §103(a) as being unpatentable over *Wang* and further in view of U.S. Patent No. 5,886,647 to Badger et al. (hereinafter “*Badger*”). The Applicants respectfully traverse the rejection. *Badger* does not describe the use of any network ID included with an encompassing association ID, nor does the combination of *Wang* and *Badger* teach this. As noted by the Examiner, *Wang* is silent with respect to a network ID. Additionally, neither *Wang* nor *Badger* relates to temperature control or wireless thermostats, and these limitations are therefore not found in any combination of *Wang* and *Badger*. For at least these reasons, *prima facie* obviousness is not established for the rejection of Claims 27 and 28.

Authorization is given to charge Deposit Account No. 50-3581 (HONY.015PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the Examiner is invited to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
8009 34th Avenue South, Suite 125
Minneapolis, MN 55425
952.854.2700

Date: December 17, 2007

By: 

Steven R. Funk
Reg. No. 37,830